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राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, शनिवार, 20 अक्टूबर, 1962/28 आश्विन, 1884

HIMACHAL PRADESH ADMINISTRATION

SECRETARIAT ADMINISTRATION DEPARTMENT

NOTIFICATION

Simla-4, the 20th July, 1962

No. SAD-1-535/57.—In exercise of the powers delegated by the President under the proviso to Article 309 of the Constitution, *vide* Government of India, Ministry of Home Affairs, Notification No. F. 27/59-Him(i), dated the 13th July, 1959, the Lieutenant Governor, Himachal Pradesh, is pleased to make the following Rules in regard to the following matters, namely:—

- (i) the method of recruitment to the Himachal Pradesh Secretariat Class III service;
- (ii) the qualifications necessary for appointment to such service and posts; and
- (iii) the conditions of service of persons appointed to such service and posts for the purposes of probation, confirmation, seniority and promotion.

RECRUITMENT RULES

PART I—GENERAL

1. *Short title and commencement.*—(a) These rules may be called the Himachal Pradesh Secretariat Class III Service (Recruitment, Promotion and Certain Conditions of Service) Rules, 1962.

(b) These rules shall come into force from the date of notification in the Official Gazette.

2. *Definition.*—In these rules, unless there is any thing repugnant in the subject or context;—

- (a) “Recognised University” means any University incorporated by law in India.
- (b) “Administration” means the Himachal Pradesh Administration.
- (c) “The Service” means the Himachal Pradesh Secretariat Class III Service.
- (d) “Direct appointment” means an appointment made otherwise than by promotion from amongst the members of the service or by transfer of an official already in the service of the Administration or of the Union.
- (e) “Scheduled Castes” means the Castes, Races or Tribes or parts of or groups within Castes, Races or Tribes specified in the constitution (Scheduled Castes) (Union Territories) Order, 1951 as amended by Part V of Schedule II read with sub-section (2) of section 3 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (63 of 1956).
- (f) “Scheduled Tribes” means the Tribes or Tribal communities or parts of or groups within Tribes or Tribal communities specified in Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, as amended by Part IV of Schedule IV read with sub-section (2) of Section 4 of the schedule Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (63 of 1956).
- (g) “Member” means a member of the Himachal Pradesh Secretariat Class III Service.

PART II—RECRUITMENT TO SERVICE

3. *Character of posts.*—The Character (*i. e.* designation, grade etc.) of the various posts included in the service and their rates of pay shall be as indicated in Annexure I to these rules.

4. *Authority empowered to make appointments.*—All appointments to posts in the service shall be made by the Head of the Department or any other authority declared as such by the Lieutenant Governor.

5. *Nationality, Eligibility and Age etc.*—(1) A candidate for appointment to any post in the service must be:—

- (a) a citizen of India; and
- (b) (i) who or whose father has been continuously residing in Himachal Pradesh for a period of not less than three years immediately preceding the last date fixed for making applications for appointment to a post; or
- (ii) Whose father, if dead, continuously resided in Himachal Pradesh for a period of not less than three years immediately preceding his death and who has, after the death of his father, continued to reside in Himachal Pradesh upto the last date fixed for making applications for appointment to a post:

Provided that any period of temporary absence from Himachal Pradesh for the purpose of prosecuting his studies or for undergoing medical treatment or any period of such temporary absence not

exceeding three months for any other reason, shall not be deemed to constitute a break in the continuity of such residence, but for the purpose of calculating the said period of three years any such period of temporary absence shall be excluded; and
 (iii) who produces before the appointing authority concerned, if so required by it, a certificate of eligibility granted under Rule IV of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959.

Provided further that in case the Lieutenant Governor, in any exceptional case and for reasons to be recorded in writing, relaxes the provisions of sub-rule (1) of this rule, in exercise of his discretion under Rule 5 of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959, a candidate for appointment to any post in the service must be:—

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a subject of Nepal, or
- (d) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India.

Provided that if he belongs to category (c) or (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India.

Provided further that if he belongs to category (d), the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government, and

(2) Unless he is already in Government service must produce:—

- (i) a certificate of good moral character from the Principal Academic Officer of his University, College, School or the Head of his educational or technical institution last attended;
- (ii) certificates of good moral character from two responsible persons, not being his relatives, who are well acquainted with him in private life and unconnected with his University, College, School, or other educational or technical institution;
- (iii) a medical certificate, as required by Rule 10 of Fundamental Rules and Rules 3 and 4 of Supplementary Rules;
- (iv) a declaration to the effect that he has not more than one living wife—
 (a) no person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service;
- (v) in the case of female Government servant, a declaration to the effect that she has not married a person having already a living wife—
 (a) no woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service;

Provided that the Himachal Pradesh Administration, may, if satisfied

that there are special grounds for doing so, exempt any person from the operation of rules in clauses (iv) and (v) above.

(3) Must not be less than 18 years and not more than 25 years of age on the date of his appointment:

Provided further that minimum and maximum age limits as prescribed may be relaxed in pursuance of the instructions laid down in Government of India, Ministry of Home Affairs Office Memorandum No. 4/7/56-RPS, dated the 30th November, 1956 (Annexure II) and of administrative instructions given in Appendix 3 of the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules, Volume II:

Provided further that the maximum age limit may be relaxed in the case of Scheduled Castes/Tribes candidates, displaced persons and other special categories in accordance with the orders issued by the Government of India from time to time.

6. Educational and technical qualifications of candidates.—No person shall be appointed to the service, unless in the case of appointment to the post of:—

(i) *Junior Clerk*.—He has passed the Matriculation examination of a recognised University or above and possesses a speed of 30 words per minute in type-writing:

Provided that the condition of qualifying the type-writing test will not apply in the case of physically handicapped persons who are otherwise eligible for appointment to posts of Junior Clerks in the Himachal Pradesh Secretariat under these Rules, and who are certified as being unable to type by the Medical Board attached to Special Employment Exchanges for the Handicapped (or by a Civil Surgeon where there is no such Board);

(ii) *Senior Clerk*.—He has passed the Intermediate/Senior Cambridge/ Higher Secondary Examination of a recognised University/Board or some other examination declared equivalent to the above examinations;

the prescribed educational qualifications will be relaxed in the case of departmental promotions provided that the departmental promotee is either permanent or quasi-permanent in the grade of Junior Clerks and has put in at least 3 years of service in that grade.

(iii) *Assistant*.—He has passed a Degree Examination of a recognised University; the presecribed educational qualifications will be relaxed in the case of departmental promotion provided that the departmental promotee is either permanent or quasi-permanent in the grade of Senior Clerks or Junior Grade Stenographers and has also put in at least 5 years of service in the grade of Senior Clerks or Junior Grade Stenographers, as the case may be;

(iv) *Superintendent*.—He has normally rendered 6 years' service (officiating or confirmed) as an Assistant or Senior Scale Stenographer;

(v) *Senior Grade Stenographer*.—He has passed the Degree examination of a recognised University and possesses a speed of 120 words per minute of English short-hand or of 80 words per minute of Hindi short-hand and a speed of 35 words per minute of English or 20 words of Hindi type-writing or in the case of promotion he possesses three years experience as Junior Grade Stenographer;

(vi) *Junior Grade Stenographer*.—He has passed the Matriculation examination of a recognised University and possesses a speed of 100 words per minute of English short-hand or 60 words per minute of Hindi short-hand and a speed of 35 words per minute

- (vii) of English or 20 words of Hindi type-writing;
- (viii) *Clerk of Court*.—He has passed a degree in law of a recognised University in case of direct recruitment or has at least 5 years experience as Naib-Tehsildar;
- (ix) *Stamp Auditor*.—He has passed a degree in law of a recognised University in the case of direct recruitment or has 5 years experience as Naib-Tehsildar, Sadar Kanungo and possesses sufficient experience of law relating to stamps in the case of promotion;
- (x) *Head Cashier*.—He has normally rendered 5 years service as a Senior Clerk and gives a security of Rs. 1,000;
- (xi) *Librarian*.—He should possess a diploma in Library Science of a recognised University;
- (xii) *Staff Car Driver*.—He possesses a driving licence and is literate;
- (xiii) *Book Binder*.—He must be literate and should possess two years experience in binding work:

Provided that the conditions as prescribed above may be relaxed, in special circumstances, by orders of the Lieutenant Governor.

7. *Method of Recruitment*.—Posts in the service shall be filled either by promotion or by direct appointment in the following manner:—

- (i) *Junior Clerks*.—By transfer of a person already in the service of the Union or by direct recruitment.
- (ii) *Senior Clerks*.—2/3rd of the total number of posts will be filled by promotion on the basis of seniority subject to the rejection of unfit out of the Junior Clerks and the remaining 1/3rd posts will be filled by direct recruitment through competitive examination. Serving Junior Clerks will, however, be eligible for competition with direct recruits irrespective of their length of service and qualifications.
- (iii) *Assistants*.—75 percent of the posts will be filled by promotion on the basis of seniority subject to the rejection of unfit out of Senior Clerks and Junior Scale Stenographers (percentage roughly in accordance with the ratio between the members of Senior Clerks and Junior Scale Stenographers) who have served at least for five years in that capacity, and 25 per cent of the posts by direct recruitment on the basis of a competitive examination. Serving Senior Clerks and Junior Scale Stenographers will, however, be eligible for competition with direct recruits irrespective of their length of service and qualifications.
- (iv) *Superintendents*.—By selection through the Departmental Promotion Committee out of Assistants and Senior Scale Stenographers (percentage roughly in accordance with the ratio between the members of Assistants and Senior Scale Stenographers) who have normally put in six years service as Assistants or Senior Scale Stenographers (officiating or confirmed).
- (v) *Senior Scale Stenographers*.—2/3rd of the posts shall be filled by promotion on the basis of seniority subject to the rejection of unfit out of the Junior Scale Stenographers who have served at least for 3 years in that capacity and 1/3rd by direct recruitment. Serving Junior Scale Stenographers will, however, be eligible for competition with the direct recruits irrespective of their length of service and qualifications.
- (vi) *Junior Scale Stenographers*.—By direct recruitment on the basis of competitive examination.
- (vii) *Clerk of Court*.—By transfer from among the Tehsildars or by promotion from amongst Naib-Tehsildars.

- (viii) *Stamp Auditor*.—By selection through the Departmental Promotion Committee from amongst Naib-Tehsildars, Sadar Kanungos, or of any other official from amongst the service in the Administration who possesses sufficient experience of law relating to stamps; or by direct recruitment.
- (ix) *Head Cashier*.—By selection from amongst the Senior Clerks and Assistants.
- (x) *Librarian*.—By direct recruitment or by selection from amongst the services in the Administration.
- (xi) *Staff Car Drivers*.—By transfer of a person already in the service of the Union or by direct recruitment.
- (xii) *Book Binder*.—By selection from amongst the Daftries or by transfer of a person already in the service of the Union or by direct recruitment:

Provided that 23 per cent and 5 per cent of the vacancies shall be filled up from the candidates belonging to Scheduled Castes and Scheduled Tribes respectively subject to the minimum qualifications being satisfied by them:

Provided further that the vacancies reserved for outside candidates shall be intimated to the Heads of Departments or Heads of Offices, as the case may be, and they shall be asked to recommend names of suitable candidates working in their offices; otherwise vacancies shall be notified to the Employment Exchanges in Himachal Pradesh or will be advertised.

8. Selection by Departmental Promotion Committee.—The Departmental Promotion Committee shall be as follows:—

- (i) Chief Secretary,
- (ii) Judicial Secretary, and
- (iii) Under Secretary (S.A.D.) till it is reconstituted by the Lieutenant Governor.

Offers of appointment shall be made strictly in accordance with the order in which the candidates are placed at the time of selection.

PART III—CONDITIONS OF SERVICE

9. Probation of Members of Service.—(i) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for a period of two years in the case of direct recruitment and on trial for a period of one year in the case of promotion.

Explanation.—Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completion of the probationary period prescribed, be confirmed until he is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his period of probation is in the opinion of the appointing authority, not satisfactory, the appointing authority may dispense with his service or revert him to his former post if he has been appointed to that post otherwise than by direct recruitment.

(iii) On the completion of the period of probation of any member, the appointing authority prescribed in Rule 4, may confirm such member in his appointment or if his work or conduct has, in the opinion of the appointing authority, not been satisfactory, may dispense with his service, or revert him to his former post, if he has been appointed otherwise than by direct appointment, or may extend the period of probation and thereafter pass such orders on the expiry of probation as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation including extension, if any, shall not exceed three years.

10. Scale of Pay etc. of the service.—The grades of pay of each class of service are mentioned in Appendix I to these rules subject to their revision from time to time.

11. Discipline.—In respect of discipline, punishment and appeals, the members of the service shall be governed by the provisions of Central Civil Services (Classification, Control and Appeal) Rules, 1957 and the Central Civil Services Conduct Rules, 1955, as amended from time to time.

12. Seniority of members of service.—(1) Subject to the provisions of paragraph (2) below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these rules shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall *en-block* be senior to all others in that grade.

Explanation.—For the purpose of these rules,—

- (a) persons who are confirmed retrospectively with effect from a date earlier than the issue of these rules, and
- (b) persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these rules, shall be considered to be permanent officers of the grade.

(2) Subject to the provisions of paragraph (3) below, permanent officers of each grade shall be ranked senior to persons who are officiating in that grade.

(3) *Direct recruits.*—Notwithstanding the provisions of rule (2) above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment, on the recommendations of the selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection:

- (1) Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit;
- (2) Provided further that a person who does not join within the specified period shall lose his seniority according to the select list and shall rank in the seniority list next to the person who joined earlier;
- (3) Provided further that he shall not lose his seniority, if the fact of his joining later was caused by circumstances beyond his control and for the reasons recorded in writing the appointing authority is satisfied that this was so.
- (4) *Promotees.*—(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotion:

Provided that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter, the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade.

(5) *Relative seniority of direct recruits and promotees.*—The relative seniority of direct recruits and of promotees shall be determined according to the

rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

(6) *Transferees*.—The relative seniority of persons appointed by transfer to the Secretariat from the subordinate offices or the Central Government or other department of States Governments shall be determined in accordance with the order of their selection for such transfer.

EXPLANATORY MEMORANDUM

Rule (4)(i).—Where promotions are made on the basis of selection by a D.P.C., the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior, such person shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior person who had superseded him.

Rule (4)(ii)—Illustration.—Where nine vacancies of Superintendents are to be filled in from the grade of Assistants and one vacancy out of the Senior Scale Stenographers, the eligible Assistants and the Stenographers shall be arranged in separate lists with reference to their relative seniority in these grades. The D.P.C. will make selection of nine candidates from the list of Assistants and one from the list of Senior Scale Stenographers. Thereafter the selected persons from each list shall be arranged in a single list in a consolidated order of merit assessed by the D.P.C., which will determine the seniority of the persons on promotion to the higher grade.

Rule (5).—A roster should be maintained based on the reservation for direct recruitment and promotion in the Recruitment Rules. Appointments should be made in accordance with this roster and seniority determined accordingly.

Illustration.—Where 75 percent of the vacancies are reserved for promotion and 25 per cent for direct recruitment, each direct recruit shall be ranked in seniority below 3 promotees.

Where the quotas are 50 percent each, every direct recruit shall be ranked below a promotee. If for any reason, a direct recruit or a promotee ceases to hold the appointment in the grade, the seniority list shall not be re-arranged merely for the purpose of ensuring the proportion referred to above.

13. *Leave and Pensions etc.*.—In respect of leave, pension and other (cognate) matters not specifically mentioned in these rules, the members of the service shall be governed by the Revised Leave Rules, 1933, given in Appendix 7-A, Volume II of the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules and the Pension Rules promulgated by the Government of India in Finance Ministry's Office Memo. No. F. 3(I)Est. (Spl.)/47, dated the 17th April, 1950 as amended from time to time, unless one has already exercised option otherwise.

14. *Training and examination etc.*.—The members of service shall have to qualify at examinations or to undergo training as may be prescribed by the Lieutenant Governor from time to time for any class of posts.

15. *Other conditions of services*.—In respect of conditions of service other than those covered by these rules members of the service shall be governed by the Government of India, Ministry of Home Affairs' notification No. 27/59-Him (ii), dated the 13th July, 1959.

16. Repeal.—The rules promulgated with the Himachal Pradesh notification No. A. 88-1/51, dated the 2nd February, 1951 are hereby repealed.

Provided that such repeal shall not affect the previous operations of the said rules or anything done or any action taken thereunder.

ANNEXURE I
*Annexure to Himachal Pradesh Secretariat Class III Service
 Recruitment and Promotion Rules*

<i>Character of posts</i>	<i>Grades</i>
1. Superintendent	Rs. 350-25-575 (with a start of Rs. 400 in the case of promotee).
2. Clerk of Court	Rs. 270-15-300-25-400/25-550.
3. Assistant	Rs. 210-10-290-15-320-EB-15-425.
4. Senior Scale Stenographer	Rs. 210-10-290-15-320-EB-15-425.
5. Librarian	Rs. 210-10-290-15-320-EB-15-425.
6. Stamp Auditor	Rs. 150-10-200/10-300.
7. Head Cashier	Rs. 210-10-290-15-320-EB-15-425, plus Special Pay of Rs. 25.
8. Senior Clerk	Rs. 130-5-160-8-200-EB-8-256-EB-8-280-10-300.
9. Junior Scale Stenographer	Rs. 130-5-160-8-200-EB-8-256-EB-8-280-10-300.
10. Junior Clerk	Rs. 110-3-131-4-155-EB-4-175-5-180
11. Staff Car Driver	Rs. 110-3-131-4-139.
12. Book Binder	Rs. 42½-1½-51½/2-57½.

ANNEXURE II

Copy of Office Memorandum No. 4/7/56-RPS, dated the 30th November, 1956, from the Under Secretary to the Government of India, Ministry of Home Affairs, to All Ministries etc.

Subject.—Minimum age limit for recruitment to clerical posts not made through the Union Public Service Commission.

Reference.—This Ministry's Office Memorandum No. 4/7/56-RPS., dated the 20th March, 1956.

Replies received from Ministries and other offices to this Ministry's Office Memorandum referred to above show a consensus of opinion in favour of the proposals made in that Memorandum. It has accordingly been decided that for recruitment to clerical posts under the Central Government made without reference to the Union Public Service Commission the minimum age limit should be 18 years. Heads of Departments are authorised to make a relaxation, in exceptional cases, of this limit by not more than one year.

2. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued in consultation with the Comptroller and Auditor General.

O. N. MISRA,
Chief Secretary.

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